

ration, Delray Beach, Florida," (tag) "Dextra Sugar Saves You Money on Essential Vitamins and Minerals! Gives You Abundant Health Benefits As You Eat!"

RESULTS OF INVESTIGATION: Analysis showed that the article was approximately 97.4 percent sucrose.

LIBELED: 4-6-61, S. Dist. Ohio.

CHARGE: 403(a)—when shipped, the name of the article was false and misleading since it suggested and implied that the article was dextrose; the labeling contained false and misleading representations that the article contained 27 health-building nutrients in natural form; that the need in human nutrition for all the substances added to the sugar has been established; and that all such substances were present in nutritionally significant amounts for special dietary use; and that by consuming the article a completely balanced diet would result; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin, mineral, and other dietary properties and its label failed to bear, as required by regulations, (a) a statement of the proportions of the minimum daily requirement for vitamins A, B₁, C, D, riboflavin, and niacin or niacinamide, and minerals calcium, phosphorus, iron, or iodine supplied by such food when consumed in a specified quantity during a period of one day; (b) a statement of the quantity of vitamins B₆, B₁₂, E, D, choline, inositol, betaine, and pantothenic acid, and the minerals phosphorus, sodium, silicon, manganese, magnesium, potassium, sulfur, copper, and zinc in a specified quantity of such food; (c) the statement "The need for choline, inositol, pantothenic acid, betaine, silicon, manganese, sulfur and zinc in human nutrition has not been established" and (d) a statement of the percent by weight of protein, fat, and available carbohydrates in such food and the number of available calories supplied by a specified quantity of such food.

The libel alleged also that the article was misbranded under the provisions of the Act relating to drugs, as reported in notices of judgment on drugs and devices, No. 7824.

DISPOSITION: 5-8-61. Default—delivered to a charitable institution.

29692. Soybean lecithin capsules and Sea Spray salt. (F.D.C. No. 46577. S. Nos. 39-287 T, 40-484/5 T.)

QUANTITY: 15 bulk drums of sea salt; 124 4-oz. cans of Sea Spray salt; and 18 ctns., each containing 24 100-capsule btls., 10 ctns., each containing 12 500-capsule btls., of Soybean lecithin capsules, at Valley Stream, N.Y., in possession of Barth Levitt Products, Inc.

SHIPPED: Between 6-12-61 and 10-23-61, from Houston, Tex., and Newark, N.J.

LABEL IN PART: (Drum) "Natural Mineral Sea Salt 'Nature's Own Sea Minerals'"; (can) "Natural Sea Spray Salt with Trace Elements * * * Distributed by Barth Levitt Products, Valley Stream, N.Y."; (btl.) "8 Grains Barth's Soy Bean Lecithin * * * Each capsule contains 8 grains of Soybean Lecithin * * * Distributed by Barth Levitt Products Valley Stream, N.Y."

ACCOMPANYING LABELING: Catalogs entitled "Barth's of Long Island Guide to Health Autumn [or "Mid-Summer"] Issue," and repack labels for Sea Spray salt.

RESULTS OF INVESTIGATION: The catalogs had been printed on order of the dealer and were used in promoting sales of the articles. The bulk sea salt had been repacked in part by the dealer as Sea Spray salt.

LIBELED: 10-23-61, E. Dist. N.Y.

CHARGE: 403(a)—while held for sale, the labeling of the Sea Spray salt as repacked and as sea salt in bulk contained false and misleading representations that the article was of unusual significance for special dietary use by reason of the presence of all the trace elements from the sea; that such trace elements are catalysts which unlock the benefits of food so that the body can use such food to the best advantage; and that the article would promote health; and 403(j)—the soybean lecithin capsules purported to be and were represented as a food for special dietary use, and their label failed to bear as required by regulations the statement "The need for choline and inositol in human nutrition has not been established."

The libel alleged also that the soybean lecithin capsules, and other articles also libeled, were misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 7826.

DISPOSITION: On 1-24-62, Barth Levitt Products, Inc., having claimed the articles, a consent decree of condemnation permitting relabeling was filed. On 3-29-63, the claimant having represented to the court that it was impractical to bring the articles into compliance with the law consented that the articles be destroyed, and an order of destruction was entered.

29693. Cal-Re-Low dietary supplement. (F.D.C. No. 46241. S. Nos. 88-665/6 R.)

QUANTITY: 16 14-oz. jars, and 18 7-oz. jars at Kansas City, Mo.

SHIPPED: 5-18-61, from Minneapolis, Minn., by Pavo Co., Inc.

LABEL IN PART: (14-oz. jar) "Pavo High Protein Cal-Re-Low Weight Control Supplement 'A Meal-In-Itself' 65% Complete Protein 30 Vitamins-Minerals 7 Basic Nutrients Black Cherry Flavor * * * Packed and Distributed by The Pavo Co., Inc., Minneapolis, Minnesota * * * Directions * * * As A Dietary Supplement 3 well-rounded tablespoonsful (1½ oz.) 'Cal-Re-Low' supplies * * * Folic Acid .6 Mg."; and (7-oz. jar) "Pavo 65% Complete Protein Cal-Re-Low Weight Control Aid 'A Meal-In-Itself' 17 Vitamins—13 Minerals 7 Basic Nutrients Unflavored Packed and Distributed by The Pavo Co., Inc. Minneapolis, Minnesota * * * Directions * * * As A Dietary Supplement 3 well-rounded tablespoonsful (1½ oz.) 'Cal-Re-Low' supplies * * * Folic Acid .6 Mg."

ACCOMPANYING LABELING: Pamphlet entitled "Overweight? Underweight? Cal-Re-Low a dual-purpose food may be Your Answer."

LIBELED: On or about 8-7-61, W. Dist. Mo.

CHARGE: 402(a)(2)(C)—when shipped, the article contained a food additive, namely, folic acid, which was unsafe within the meaning of 409, since it and its use or intended use are not in conformity with a regulations or exemption; 403(a)—the labeling of the article contained false and misleading representations that the article was both high in protein and low in calorie content; and that a serving of the article was equivalent to a nutritionally balanced meal; and 403(i)(2)—the labeling of the 7-oz. jars (18-jar lot) failed to bear the common or usual name of each ingredient.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 7825.

DISPOSITION: 11-29-61. Default—destruction.